

MAY 21 2008

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GENARO CASTILLO-FUENTES,

Defendant - Appellant.

No. 07-50089

D.C. No. CR-06-00725-SJO

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Central District of California  
S. James Otero, District Judge, Presiding

Submitted May 20, 2008<sup>\*\*</sup>

Before: PREGERSON, TASHIMA, and GOULD, Circuit Judges.

Genaro Castillo-Fuentes appeals from his 108-month sentence imposed following his guilty-plea conviction for distribution of cocaine base, in violation of

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

21 U.S.C. § 841(a)(1), (b)(1)(B)(iii). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Castillo-Fuentes' counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided the appellant the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no arguable grounds for relief on direct appeal.

Accordingly, counsel's motion to withdraw is **GRANTED**, and the judgment is **AFFIRMED**.

Because the district court's judgment incorrectly references 21 U.S.C. § 841(b)(1)(A)(iii), rather than 21 U.S.C. § 841(b)(1)(B)(iii), as the statute of conviction, we **REMAND** for the limited purpose of correcting the judgment. *See United States v. Rivera-Sanchez*, 222 F.3d 1057, 1062 (9th Cir. 2000).